



**IT IS ORDERED as set forth below:**

**Date: December 11, 2023**

**Jeffery W. Cavender  
U.S. Bankruptcy Court Judge**

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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IN RE:

THE RADIOLOGY GROUP, LLC,  
  
Debtor.

CASE NO. 23-59500-JWC  
(Involuntary)  
  
CHAPTER 11

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**ORDER DISMISSING INVOLUNTARY PETITION**

**THIS MATTER** is before the Court on the involuntary petition filed by certain petitioning creditors against The Radiology Group, LLC (“TRG”) on September 28, 2023, and the oral motion of TRG to dismiss the involuntary petition made at an evidentiary hearing on the petition held on December 16, 2023. After the petitioning creditors closed their case, TRG moved for dismissal pursuant to Federal Rule 41(b), which is applicable in adversary proceedings through Bankruptcy Rules 7041 but is not automatically applicable in a contested involuntary petition through Bankruptcy Rule 1018. Notwithstanding that issue, the Court dismisses the petition pursuant to Federal Rule 52(c), which is automatically applicable to this proceeding through Bankruptcy Rule

1018 and 7052. Federal Rule 52(c) provides that “if a party has been fully heard on an issue during a nonjury trial and the court finds against the party on that issue, the court may enter judgment against the party on a claim or defense that, under the controlling law, can be maintained or defeated only with a favorable finding on that issue.” As announced on the record at the hearing, the Court found against the petitioning creditors on the issue of whether TRG is generally paying its debts as they come due pursuant to 11 U.S.C. § 303(h)(1). Accordingly, and for the reasons stated on the record at the hearing,

**IT IS ORDERED** that TRG’s request to dismiss the petition is **GRANTED**. The involuntary petition filed against TRG is **DISMISSED**.

The Clerk’s Office is directed to serve a copy of this Order upon The Radiology Group, LLC and its counsel of record, each of the petitioning creditors and their counsel, and the United States Trustee.

**END OF DOCUMENT**